

IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF
OHIO

FILED

05-07-20

CLERK

CRAIG WILSON, et, al.,

)

Case No. 4:20-CV-00794

Petitioners,

)

Judge James S. Gwin

V.

)

Emergency MOTION TO

MARK K. WILLIAMS, Warden, et, al.

)

WITHDRAWAL AS A

CLASS OR SUBCLASS

Respondents.

)

MEMBER

COMES NOW THE PETITIONER, Thomas M.

Smith, II Register No. 08937-025, and MOVES

this Court for Leave to Withdrawal from the Class
action Suit filed by the A.C.L.U. on April 13, 2020.

In Support of this Motion, Petitioner avers the
following:

First, Petitioner is listed as a "sub-class" member in
ECF No. 35-1 and has standing to Withdrawal.

Second, the ACLU ~~stated~~ the facts as it
relates to the conditions of Elkton in ECF No. 1

but does not represent the Petitioner's interest, nor does
the Petitioner want them to.

Second, the Petitioner is quite sure that he had COVID-19 and has recovered from it (though he has not been tested to confirm that).¹

Third, the Petitioner does not wish to be transferred out of F.C.I. - Elktion.

Fourth, the Petitioner was never consulted nor advised that he would be sucked into a lawsuit that he did not wish to be in.

Fifth, the Petitioner does not and will not oppose any opposition from the government to his placement in the "Sub Class," and in fact would agree that he should not be in such class.

¹ Petitioner suffered body aches, chills, fatigue, loss of smell and taste, loss of appetite and severe headache for nearly 2 weeks.

Sixth, the Petitioner does not meet the criteria as defined by the CDC for being placed into the "Sub Class."²

Seventh, the Petitioner agrees that he has been the victim of cruel and unusual punishment as found by this Court, but does not wish to pursue remedy as part of any class action suit, nor does he wish to be represented by the A.C.L.U.³

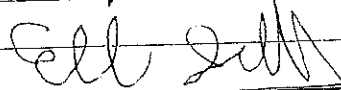
² Petitioner has HIV but it is so well controlled that it is "Undetectable," and he has been labeled a "Clinical non-progressor." The CDC COVID-19 risk factor is "Poorly Controlled HIV or AIDS."

³ If and when Petitioner feels he needs remedy, he will retain his own counsel or proceed pro se.

For all the Reasons presented herein, Petitioner
PRAYS that this Court GRANT this Motion for
LEAVE to Withdrawal from the Class, and DIRECT
the Clerk to Remove his name from the Sub Class
list in ECF No. 35-1 and any other lists that
pertain to Case No. 4:20-CV-00794. Petitioner
also PRAYS that this Court inform Elkton that
they may keep him at their facility.

Dated this the 4 day of May, 2020.

Respectfully Submitted* Under the
Penalty of Perjury under 28 U.S.C. § 1746:



Thomas M. Smith, II
aka Elizabeth Jeanee Isbell
Reg. No. 08937-025
F.C.I. - Elkton

* This motion was prepared by P.O. Box 10
inmate Israel Isbell # 15929-026 Lisbon, Ohio
of FCI - Elkton 44432

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

CRAIG WILSON, et., al.,)

Petitioners,)

V.)

MARK K. WILLIAMS, WARDEN, et., al.,)

Respondents.)

Case No. 4:20-CV-00794

Judge James S. Gwin

CERTIFICATE OF SERVICE

On this, the 4 day of May, ~~2020~~, I,
Thomas M. Smith, II did place a true and accurate
copy of this Motion for Leave to Withdrawal from
the class in the United States mail, postage prepaid
for delivery to the Clerk of the United States District Court
at Youngstown, Ohio with service on the Attorney's for the
parties on the ECF System.

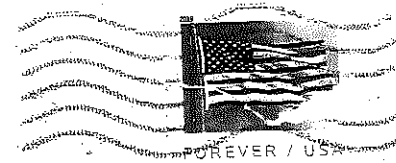
Ell Isbell

Thomas M. Smith, II
aka Elizabeth Jeanne Isbell
F.C.I - Elkhart
P.O. Box 10
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